Supreme Court of the United States

OCTOBER TERM, 1962

No. 529

UNITED STATES, PETITIONER

vs.

CARLO BIANCHI AND COMPANY, INC.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

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IN THE UNITED STATES COURT OF CLAIMS

No. 466-54

CARLO BIANCHI AND COMPANY, INC., PLAINTIFF

v.

UNITED STATES OF AMERICA, DEFENDANT

PETITION—Filed December 2, 1954

To the Honorable Judges of the United States Court of Claims:

The petition of Carlo Bianchi and Company, Inc. respectfully represents:

1. Plaintiff is a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with its principal office and place of business in the Town of Framingham, Massachusetts.

2. The defendant is hereinafter referred to as the "Government". At all times pertinent to this claim, the War Department, the Army Corps of Engineers, their officers and civilian employees, who participated in the [fol. 2] acts set out herein, were the duly, empowered, authorized officers and agents of the Government, and for the purpose of this petition, plaintiff says that wherever the term, "Government", is used herein, said term is intended to include the War Department, U. S. Army Corps of Engineers, and/or any of their officers, agents, civilian employees, as the particular matter referred to may apply to the governmental subdivision, or to the individual or individuals participating.

3. On or about July 3, 1946 plaintiff entered into a competitive bid contract with the Government and identified more particularly as the Corps of Engineers, U. S. Army, Appropriation: Flood Control, for the construction of an earthen dam across Canacedea Creek in Almond, Steuben County, New York, in accordance with the specifications, schedules and drawings prepared by the Govern-